

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, October 19, 2021, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 5:30 pm. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and the City of Logan YouTube channel at: https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ

Council Members present at the beginning of the meeting: Chair Mark A. Anderson, Vice Chair Jeannie F. Simmonds, Councilmember Ernesto López, and Councilmember Amy Z. Anderson. Administration present: Mayor Holly H. Daines, Assistant City Attorney Craig Carlston, Finance Director Richard Anderson, City Recorder Teresa Harris, and Deputy City Recorder Esli Morales. Excused: City Attorney Kymber Housley and Councilmember Tom Jensen.

Chair Mark A. Anderson welcomed those present. There were approximately 11 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Vice Chair Jeannie Simmonds provided the opening ceremony and led the audience in the pledge of allegiance.

I spent a lot of time thinking about our community about what works, what doesn't work, how we change, grow, and thrive. There are pressures constantly pushing this community into new shapes, new normal(s). So, tonight, before we discuss change and allocation, I wanted to remind myself, and you, of a few things I find to create a sense of place.

A full moon setting on the Wellsville in early spring.

A full moon rising in the middle of winter, peeking slowly from behind the mountains, lighting the night so vividly that you can walk as if it were early evening.

The vivid colors of fall, the intense green of spring.

The way sunlight plays through the maples on my park strip.

The mountains that define our backdrop, provide recreation and solitude, water, and food (it is hunting season after all).

The first snow, even if it creates chaos, is beautiful and oh so white.

The painted intersections of homecoming.

Whoever it is that clears my sidewalk of snow in their four-wheeler.

34 *City workers who work extra days and hours to deal with the chaos of the first snowfall*
35 *or a windstorm.*

36 *The many organizations created to help those who need a helping hand.*

37 *Trails to walk, parks to play in.*

38 *A free bus system.*

39 *A world-class university that, by its very existence, has shaped this town for more than*
40 *100 years.*

41 *Hundreds of USU graduates who came here from all over the world and still say that this*
42 *is the best place they have ever lived.*

43 *The passion of citizens about their neighborhoods.*

44 *The Christmas music played on the loudspeaker from the Tabernacle.*

45 *The arts, the music, the theatre, the parades, and the new festivals that highlight our*
46 *talents and our diversity,*

47 *The police bringing pizza and drinks to the protesters.*

48 *The ability to help shape this community for the future, heeding the pressures and*
49 *understanding the concerns.*

50 **Meeting Minutes.** Minutes of the Council meeting held on October 5, 2021, were
51 reviewed and approved with no corrections.

52
53 **Meeting Agenda.** Chair M. Anderson announced there are two public hearings scheduled
54 for tonight's Council meeting.

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56 **ACTION. Motion by Vice Chair Simmonds seconded by Councilmember A.**
57 **Anderson to approve the October 5, 2021, minutes and approve tonight's agenda.**
58 **Motion carried unanimously.**

59
60 **Meeting Schedule.** Chair M. Anderson announced that regular Council meetings are held
61 on the first and third Tuesdays of the month at 5:30 pm. The next regular Council
62 meeting is Tuesday, November 2, 2021.

63
64 **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:**

65
66 Chair M. Anderson explained that any person wishing to comment on any item not
67 otherwise on the agenda may address the City Council at this point by stepping to the

microphone and giving his or her name and address for the record. Comments should be limited to not more than three (3) minutes unless additional time is authorized by the Council Chair. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-agenda items. Some items brought forward to the attention of the City Council will be turned over to staff to respond outside of the City Council meeting.

John Shivik, a resident of Logan expressed concerns about the utility fees and the 15% increase in transfers to the general fund that he feels is an aggressive tax. He is fine with transfers, but his primary concern lies in the transparency of transfers.

Finance Director Richard Anderson clarified that transfers are a percentage of revenue, and that percentage amount has not changed for the last 10 to 15 years. The increase in transfers amount is the recognition of the 911 emergency transfer fee.

There were no further comments or questions for the Mayor or Council.

MAYOR/STAFF REPORTS:

Mayor Daines gave an update on the cleanup after the ~~recent snowstorm~~[recent snowstorm](#) and the large number of branches that broke during the storm. The Mayor thanked all the city staff and city crews who aided in returning power to citizens, and in the cleanup, process including Light and ~~Power crews~~[Power crews](#) from Bountiful City who came up to help. Roughly 40% of the tree branches in the park strip have ~~been cleared~~[been cleared](#) at this time. She requested that the ~~public not~~[public not](#) put their backyard branches into the park strip for City crews to clean up after they have already cleaned up the street. The Landfill hours have been extended to 7:00 pm. Several trails and parks have been closed to the public due to the danger of falling tree branches.

Mayor Daines informed the Council regarding the independent Voting Redistricting Commission (who makes a recommendation to the legislature). Every ten years the State is mandated according to the Census to reset all voting boundaries to equalize the population. There are specific formulas that are used, and public feedback is requested at <https://uirc.utah.gov/>.

Councilmember A. Anderson expressed disappointment at the lack of public feedback that has been received for the City of Logan ~~in regards to~~[in regard to](#) redistricting. The

input that the Commission is requesting is not to just change the map, but to also receive the public input.

Mayor Daines invited the public to attend the co-sponsored Logan [Downtown Hocus](#) Pocus Witches Dance & Halloween Festival on Center Street, October 30, 2021 from 4 p.m. to 8 p.m.

No further Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Vice-Chair Simmonds

Vice Chair Simmonds reported that on October 14th, the Planning Commission reviewed two projects. A facility at the Blue Springs Business Park and a design review for a steel building located at 1210 W 600 N.

Utah League of Cities and Towns Conference Report – Councilmember Amy Anderson

Councilmember Amy Anderson reported that the Utah League of Cities and Towns (ULCT) Conference holds an annual convention and she and Mayor Daines were in attendance. One of the topics discussed is that of housing and housing alternatives such as single-family duplexes. Missing middle housing is a new term used to describe alternative housing for single-family housing. The usage of Mixed-Use developments to house more than one development type.

She also reported that in 2020, the *Love, Listen & Lead Task Force* was established by the Utah Chiefs of Police Association (UCOPA) to ensure community trust in police by discussing potential policy proposals on public safety. The objective was to find a space where UCOPA & ULCT could find areas to support police officers and find areas where community trust can be built.

Chairman M. Anderson asked how many housing units will exist after the completion of current development projects.

Community Development Director Mike DeSimone responded from 1200 to 1500 units.

Councilmember Ernesto López remarked that currently, the state itself is short 50,000 housing units. The hope is that the addition of proposed units will aid with the housing crisis.

ACTION ITEMS:

PUBLIC HEARING - Budget Adjustment FY 2021-2022 appropriating: \$600,000 committed radio funds for the purchase of radios for the P25 system; \$19,500 funds the City will receive from the State of Utah to purchase emergency management supplies and materials; \$250,000 a grant the Parks & Recreation After School Program was awarded this fiscal year to support After School Programs in the Adams, Bridger, Ellis and Woodruff Logan City School Districts; \$116,010 additional funding received from HUD for CDBG programs for FY 2022 – Resolution 21-51 – Richard Anderson, Finance Director

At the October 5, 2021 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Chair M. Anderson opened the meeting to a public hearing.

Gail B. Yost a resident of Logan asked why the mentioned four schools would be the only ones to receive funding from the After-School Program.

There were no further comments and Chair M. Anderson closed the public hearing.

Parks & Recreation Director Russ ~~Akina responded~~[Akina responded](#) that all six schools will receive funding at alternative times due to the financial setup.

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember Ernesto López to approve Resolution 21-51 as presented. Motion carried unanimously.

PUBLIC HEARING - Code Amendments– Consideration of proposed amendments to the Land Development Code Chapters 17.08 “Neighborhood Residential Uses”, 17.11 “District and Corridor Uses”, 17.37 “Additional Development Standards”, and 17.62 “Definitions” to include standards for “Community Agriculture, Urban Agriculture, and the keeping of domestic fowl, bees, and livestock in urban areas – Ordinance 21-22 – Mike DeSimone, Community Development Director

At the October 5, 2021 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed code amendments.

RECOMMENDATION

Staff recommended that the Planning Commission recommend **approval** to the Municipal Council of the proposed amendments to Chapters 17.08, 17.11, 17.37, and 17.62 of the Land Development Code.

REQUEST

This is a proposed amendment to the Land Development Code (LDC) permitting Community Agriculture and Urban Agriculture throughout the City. More specifically, the proposed language defines the minimum standards for keeping chickens, domestic fowl, bees, miniature, and larger livestock on residential properties. This amendment also clarifies the distinction in types of Agriculture, namely the differences between Community Agriculture and general Agriculture. Moreover, the purpose is to enable residents to keep animals and bees on their property while minimizing the negative impacts on adjoining properties.

This amendment is in response to inquiries we regularly receive about keeping chickens on residential lots and a lack of clear guidance in the City's current code structure.

BACKGROUND

There is a disconnect between the City's animal regulations (Chapter 6A) and the Land Development Code on keeping animals or bees.

Chapter 17.37: Additional Development Standards

Domestic Fowl, Beekeeping, Livestock

Urban Agriculture - Purpose:

Establish minimum standards for keeping domestic fowl (chickens), bees, & livestock in residential areas (Urban Agriculture). Clarify the distinction in types of "Agriculture" that are appropriate for Logan – community gardens, community-supported gardens, market gardens, commercial/industrial agriculture. Minimize negative impacts of keeping fowl, bees, & livestock on adjoining Properties. Attempt to balance the "rights & desires" of all landowners – those owning animals and those living next do.

Logan Municipal Code 6A.06.030 - Limits on Animals for Family Food Production states:

The type and number of animals for family food production that may be kept is limited and governed exclusively by the city's land-use ordinances and regulations set forth in the city ordinance. It is presumed that if a type of animal is not expressly allowed as either a permitted or conditional use in a specific land use zone as determined by city ordinances then that animal is deemed prohibited.

PROHIBITED: Animals for family food production Definition of Animals for Family Food Production includes Chickens, Bees, livestock, etc. Governed by City's Land Use Ordinances – Land Development Code - If not Expressly Permitted in a specific zone, then Expressly Prohibited

Land Development Code Chapter 17.62: Definitions states:

"Agriculture" means the production, keeping, or maintenance, for sale, lease or personal use, of plants and animals useful to society, including and not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; **poultry and poultry products**; livestock, including beef, cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; **bees and apiary products**; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program. Agriculture is broadly defined - both industrial-scale Ag (commercial feedlot – 100 cows) and residential-scale Ag (4 chickens). The definition includes animals "traditionally" kept for utility purposes –chickens, bees, livestock

Chapter 6A of the Logan Municipal Code defers the keeping of animals for family food production to the Land Development Code. The definition of agriculture in the LDC is relatively broad as it includes a wide range of ag uses from large-scale commercial operations down to individually scaled agriculture. Under the current use tables, agriculture is a permitted use in the NR-2, NR-4, RC, GW, CS, IP, and AP zones. Under this definition and with our current use charts, hypothetically, a property owner could put in a commercial dairy in the Cliffside area yet a property owner living in the NR-6 zone cannot raise chickens for family food production.

Contrary to some of the comments you received for the September 9, 2021 public hearing, the purpose of these regulations is to clarify where and how various types of agriculture uses should be permitted throughout the City.

The first element of this proposal is the proposed changes to the applicable definitions in 17.62: Definitions where the definition of Agriculture is modified to referenced commercial, and a definition of Community Agriculture and Urban Agriculture are included to reference smaller-scaled agricultural related activities for food coops, personal use, etc.

"Agriculture" means the production, keeping, or maintenance, for commercial purposes, of plants and animals useful to society, including and not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef, cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Community Agriculture means crop production, horticulture, floriculture, or viticulture, and which may include facilities for the sale of produce, plants, and/or flowers produced or grown on-site. The phrase "agriculture, community" is lower in scale than "agriculture" and more restricted in its operations. Community Agriculture includes composting (of agricultural byproducts produced on-site for use on-site) and seasonal produce stands as accessory uses. Community Agriculture is separated into three categories:

- A. Community Gardens are gardens that are maintained and cultivated by non-profit entities or groups of individuals who engage in the activity for their own benefit;
- B. Small community-supported Farms are farms that are less than two acres in area, in which produce, plants, and/or flowers are grown and harvested on behalf of a community of members ("shareholders") who pledge financial support in advance of the growing season; and
- C. Market Gardens are gardens up to one-half acre in the area in which produce, plants, and/or flowers are grown for off-site distribution and sale.

Urban Agriculture means the production of food within an urban area on a scale that is for personal use and consumption. Urban agriculture can also include animal husbandry

(e.g., breeding and raising livestock), beekeeping, aquaculture (e.g., fish farming), aquaponics (e.g., integrating fish farming and agriculture), and non-food products such as producing seeds, cultivating seedlings, and growing flowers.

The change to the definition of agriculture moves it in the direction of referencing commercial agriculture while the others are new definitions recognizing a smaller scale, more urban agriculture for various groups or individual use. There is also a difference in scale between community agriculture and urban agriculture as community ag is centered around a larger involvement by more people in raising plants or food whereas urban ag is generally a private individual raising plants, animals, and vegetables for their own consumption with some secondary distribution. There are currently a number of community gardens in Logan providing food for residents unable to grow it at their own residence. Both types of agriculture are important and encourage residents to raise their own food provided impacts to adjacent owners are minimized.

The second element of this proposed approach includes proposed changes to the Residential Use Table (17.08) and the District and Corridor Use Table (17.11):

17.08: Neighborhood Residential Uses -Added Community Agriculture and Urban Agriculture to the Residential Use Table in 17.08.040 as permitted in all zones. Agricultural Uses Permitted in the NR-2, NR-4 & RC Zones only Agricultural uses Prohibited in the NR-6 & MR Zones.

17.11: District and Corridor Use - Added Community Agriculture and Urban Agriculture to the Commercial/Industrial Use Table in 17.11.030 as permitted in all zones. Agricultural uses Permitted in the GW, CS, IP, AP zones only Agricultural uses Prohibited in all other Commercial Zones Refer back to the Logan Municipal Code 6A – If not Expressly Permitted than Expressly Prohibited.

The third element is the proposed language in 17.37 regulating types of livestock and their operational standards. In preparing the revised language, I surveyed a number of jurisdictions for precedent examples on regulating chickens, animals & bees including Brigham City, Murray, Providence, North Logan, Roy, American Fork, Millcreek, Cedar City, Farmington, Clearfield, Springville, Spanish Fork, Draper, Smithfield, Provo, Orem, West Valley and Bountiful.

Generally, the common threads in most approaches include a statement of purpose, what zones they are permitted, numbers/densities, location on the property, types of enclosures, setbacks from property lines and structures, sanitation, roosters, slaughtering,

and permitting. The revised draft language being presented to the Planning Commission on 9/23/21 addresses these areas of concern except for permitting. We do not want to require a permit to keep animals. Regarding beekeeping, I also reached out to the local individuals who commented on the first draft and expressed their levels of experience and expertise in beekeeping. Their comments have been incorporated into the revised draft.

Proposed changes to Land Development Code - summarized below and attached.

17.37.080 (chickens) - standards for permitting domestic fowl on residential lots based on lot sizes, existing residential development, lot requirements (setbacks), chicken coop/run requirements, and nuisance elements. The one area that remains a point of discussion is determining the appropriate number of chickens to be located on a residential property. The average among most similarly sized jurisdictions is six (6) chickens per residential lot. Some of the smaller cities permit greater numbers while some of the larger cities permit fewer numbers. I also modified the language permitting roosters, peacocks, or similar animals on larger lots to be prohibited on residential lots.

17.37.090 (beekeeping) - standards for permitting beekeeping on residential lots based on lot sizes, registration with the State, lot requirements, existing residential development, and setbacks from adjoining parcels.

17.37.100 (miniature livestock)- standards for permitting miniature livestock on residential lots based on lot sizes and minimum lot area available for animals, health and sanitation requirements, zoning, residential development, and setbacks from adjoining parcels.

17.37.110 (large livestock) - standards for permitting large livestock (horses, cows, goats, sheep) on residential lots based on lot sizes and minimum lot area available for animals, health and sanitation requirements, zoning, residential development, and setbacks from adjoining parcels.

The fourth element is the proposed language in 17.37 addressing community agriculture and the uses associated with it.

17.37.120 (Community Agriculture)- operational standards for community gardens, community-supported gardens, and market gardens to help minimize or reduce potential impacts to neighboring properties.

STAFF RECOMMENDATION AND SUMMARY

The proposed changes to the Land Development Code are in response to requests we have received from residents regarding raising chickens in residential areas. We have also responded to issues or complaints regarding livestock with limited standards to fall back on. There are many areas of Logan that are suitable for raising many types of animals or livestock and the proposed language provides minimum operational standards to help minimize nuisance problems with adjacent property owners. Generally, complaints come down to how well an owner maintains their property and manages their animals by controlling noise, odors, feed, manure, and rodents. Staff would recommend that the Planning Commission forwarded a recommendation of approval to the Council for their consideration.

GENERAL PLAN

The proposed amendments are minor and are consistent with the General Plan.

PUBLIC COMMENTS

As of the time the staff report was prepared, no public comments had been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 8/28/21, posted on the City's website and the Utah Public Meeting website on 8/30/21, and noticed in a quarter-page ad on 8/21/21.

AGENCY AND CITY DEPARTMENT COMMENTS

As of the time the staff report was prepared, no comments have been received.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes the local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments are minor in nature.

On September 23, 2021, The Planning Commission recommended to the Municipal Council **approval** of the following Land Development Code Amendments:

Land Development Code (LDC) Chapters 17.08 “Neighborhood Residential Uses”, 17.11 “District and Corridor Uses”, 17.37 “Additional Development Standards”, and 17.62

“Definitions” to include standards for Community Agriculture, Urban Agriculture, and the keeping of domestic fowl, bees, and livestock in urban areas.

The Planning Commission voted unanimously to approve.

Community Development Director Mike DeSimone summarized the proposed ordinance.

Vice Chair Simmonds expressed concern about outdoor slaughtering in the back yard in that of an NR-6 neighborhood.

~~Councilmember López~~[Councilmember López](#) remarked that 5,000 square feet permits 6 chickens, but that it should be 1,000 per square feet then why not allow more.

Mr. DeSimone responded that a number had to be set and was based on other jurisdictions.

~~Councilmember López~~[Councilmember López](#) inquired how many citizens had livestock on their property.

Mr. DeSimone answered that the issue only arises when there is a complaint.

Vice Chair Simmonds clarified for the public that the City will not be hunting for chickens or other livestock unless there is a complaint. This is a basis for if there is a complaint to be able to enforce.

Councilmember A. Anderson expressed concern over large livestock with Mr. DeSimone clarifying the question an example from the proposed code.

Vice Chair Simmonds inquired about the impact the passing of the code would have on citizens who have more livestock than is listed within the code.

Mr. DeSimone responded that staff is not in the habit of policing livestock unless there is a call of a complaint or an issue with sanitation. Although if said livestock exceeds the limits of the proposed code further livestock cannot be added.

Chair M. Anderson opened the meeting to a public hearing.

Michael Timmons resides in the Hillcrest area of Logan. It is clear that regulations are necessary moving forward. He is opposed to the idea of ~~mini-farms~~[mini-farms](#) especially

in a 20,000 square footage piece of property in an established neighborhood. According to the proposed code, on 20,000 square foot lot he could own 15 chickens or other domestic fowl or rabbits, 6 beehives, 4 miniature livestock, 4 standard goats, and 1 cow or horse even he lives next to a playground in a residential neighborhood. His concern is that excessive usage will ~~affect quality~~ affect quality of life.

Kim Johansen, a resident of ~~Logan, believes~~ Logan, believes in sustainable living. She believes that raising animals teaches children responsibility. She believes that the proposed numbers are too small and requests more lenience with the chicken flock size.

Lou Ann Sakaki, a resident ~~of Logan~~ of Logan requested further clarification on grandfathering.

Gail Yost from Logan stated that the house deed to her home reads as having animal rights. She wondered if those rights extended or not.

Austin Elder, a youth who resides in ~~Logan expressed~~ Logan expressed his love for his pet chickens and how they teach him responsibly. He expressed his worry and concern at the thought of having to give up his chickens. He hoped for a greater allowance on chickens

Laverna Horne resides in the Island area in Logan and expressed the need to find a balance for those wishing to have or not have chickens. Her concern about chickens is the limitations of livestock and is worried about having to give up what she considers her pets.

Andres Sinfield resides in Logan and expressed reservations about limitations on chickens with the proposed code. She asked that the code percent be more generous as the use of chickens is for more self-sufficient.

Ashley Kidd, a citizen of Logan expressed concern that this is an overreach of the constitution and that citizens' rights to freedom might be trampled.

Jessica Vahsholtz, a citizen of Logan is worried about the policing and enforcement of the new proposed code.

John Shivik from Logan an owner of chickens himself stated that the proposed code for animal husbandry can be good for setting guidelines and how to be a good neighbor. He did express concerns about larger animals.

492
493 Brag?? Brawnson ?? from Logan serves on the Junior Livestock Committee for the 4-H
494 kids. On the animal side, he asked for as much ~~latitude as~~latitude as possible, but he
495 understands the need for guidelines.

496
497 Jorden Luke resides in the Adams neighborhood and owns several chickens. He
498 requested latitude in the proposed code for owning chickens.

499
500 There were no further comments and Chair M. Anderson closed the public hearing.

501
502 Mr. DeSimone responded to Ms. Sakaki's question regarding grandfathering. He said it
503 would depend on the subdivisions, the date roughly occurred in 2000 and will carry
504 forward if the usage was not halted for more than 12 months and must be continuous
505 without pause. It cannot be a sporadic usage, nor does it become ~~effective if~~effective if
506 the owners of the property changes.

507
508 Assistant City Attorney Craig ~~Carlston responded~~Carlston responded to the question
509 from Ms. Yost and said if the animal rights are not in use and are not used consistently,
510 then the animal rights are not grandfathered even if it is on the house deed.

511
512 Vice Chair Simmonds and Mr. DeSimone addressed Ms. Vahsholtz and the public's
513 concerns that the City will not be policing chickens unless there is a complaint or
514 sanitation issue. The proposed policy will be a means of enforcement when there is an
515 issue.

516
517 Councilmember A. Anderson inquired if sufficient property is owned could an individual
518 not be precluded from owning multiple livestock.

519
520 Mr. DeSimone replied that the individual would not be precluded from owning multiple
521 livestock. However, some jurisdictions can equate owning of a certain livestock to
522 another such as a goat is equal to ten chickens. The request for the regulation is based on
523 how an area is maintained. It is based on numbers as there is no real scientific manner to
524 determine by individual. The proposed code is based on other jurisdictions.

525
526 Councilmember A. Anderson asked if a resident resided in an HOA would there be
527 different rules.

528
529 Mr. DeSimone responded that the ordinance would be the guiding factor, but typically an
530 HOA tends to be more restrictive.

Vice Chair Simmonds inquired if ~~all citizens~~ all citizens with livestock would automatically be grandfathered.

Mr. DeSimone replied that anything that is illegally created cannot be grandfathered in. Illegality does not grant grandfathering rights.

Mr. Carlston read the definition of illegal nonconforming. “A legally existing nonconforming use (grandfathered use) is

- i. one that was legal when established
- ii. has been maintained continuously
- iii. because a change in the ordinance, it does not conform with the current law.”

Police Chief Gary Jensen requested clarification on enforcement of the proposed code in regard to Animal Control.

Mr. Carlston explicated that citizens can apply for the recognition of nonconforming use; the application would need to be filled out and registered. The public may use this as a means of recognition.

The Council determined to continue the ordinance until the next council meeting to discuss further details. The Council also reminded the public that ~~the proposed~~ the proposed code is a means of enforcement if there is ~~is~~ a complaint or sanitation issue. The public was requested to email further ~~comments to~~ comments to the Council as tonight will be the ~~only public~~ only public hearing.

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember Ernesto López to continue Ordinance 21-22 to the November 2, 2021 Council meeting as an action item with no public hearing. Motion carried unanimously.

WORKSHOP ITEM:

Budget Adjustment FY 2021-2022 appropriating: \$7,299 funds received for police overtime shirt reimbursements, \$106,465 funds received for wildland reimbursements for the fire department – Resolution 21-53 – Richard Anderson, Finance Director

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

The proposed resolution will be an action item and public hearing at the November 2, 2021, Council meeting.

OTHER CONSIDERATIONS:

There were no further considerations addressed by the Council.

ADJOURNED. There being no further business, the Logan Municipal Council adjourned at 7:35 pm.

Esli Morales, Deputy City Recorder